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Attorneys for Plaintiff
DAVID J. LUBOFSKY

FILED
DISTRICT COURT OF GUAM
AUG - 3 2005 *✗*
MARY L.M. MORAN
CLERK OF COURT

IN THE U.S. DISTRICT COURT
OF GUAM

DAVID J. LUBOFSKY,

CIVIL CASE NO. 04-00031

Plaintiff,

vs.

STIPULATION and
ALTERNATIVELY, FOR A
HEARING TO DISCUSS SAME
WITH THE COURT

GOVERNMENT OF GUAM;
GOVERNMENT OF GUAM
RETIREMENT FUND

Defendants.

_____ /

STIPULATION

COMES NOW the parties and hereby stipulate and agree to the Proposed Scheduling Order attached herein continuing the Trial and all other dates. The Proposed Scheduling Order is necessary to allow the opportunity for the parties to reach a settlement after the Retirement Fund has ruled on Plaintiff Lubofsky's

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Stipulation and Order
August 2, 2005.

retirement application. The parties have essentially agreed that if the Guam Retirement Fund Board of Trustees approves Plaintiff's application for disability retirement benefits, then Plaintiff will dismiss his case. The Retirement Fund has been unable to act in the recent past due to failures to meet quorum requirements at both Executive Committee meetings and Board of Trustee meetings. Furthermore, the Retirement Fund had been waiting for additional key medical reports upon which to base its decision, said reports it only recently acquired. Finally, the Executive Committee must meet in August and make its recommendation to the Board. The Board is scheduled to meet in September and make its final determination on Plaintiff's application.

The parties had previously agreed to hold the within litigation in abeyance until such time as the Board would act. Through no fault of their own, (or the Board) the parties have been slippery-sloped into asking for this necessary continuance of all scheduled dates. Ultimately, the parties firmly believe that this case will be disposed of on the administrative level, thereby saving the Court precious judicial resources and the parties the unnecessary time and expense of litigation and trial. It is for the foregoing reasons that the parties hereby respectfully request the Court approve this reasonable request.

Alternatively, if the Court is not inclined to approve this request based on these moving papers, the parties respectfully request an opportunity for a hearing on the matter at the Court's earliest convenience.

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Stipulation and Order
August 2, 2005.

SO STIPULATED:

LAW OFFICES OF GORMAN & GAVRAS

Date: August 2, 2005

BY:




A. ALEXANDER GORMAN, ESQ.
Attorneys for Plaintiff
DAVID J. LUBOFSKY

OFFICE OF THE ATTORNEY GENERAL
OF GUAM

Date: August 2, 2005

BY:

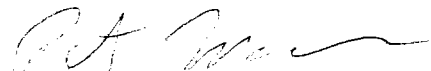


ROBERT WEINBERG, ESQ.
Attorneys for Defendant
GOVERNMENT OF GUAM

CARLSMITH BALL, LLP

Date: August 2, 2005

BY:



PATRICK J. MASON, ESQ.
Attorneys for Defendant
GOVERNMENT OF GUAM
RETIREMENT FUND